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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,732	08/06/2003	Thomas J. Bachinski	77012-324666	8852
58506 7590 04/16/2007 FAEGRE & BENSON, LLP PATENT DOCKETING 90 SOUTH SEVENTH STREET 2200 WELLS FARGO CENTER MINNEAPOLIS, MN 55402			EXAMINER PERUNGA VOOR, VENKATANARAY	
			ART UNIT 2132	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/16/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/635,732

Applicant(s)

BACHINSKI ET AL.

Examiner

Venkat Perungavoor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments, see pages 6-9, filed 1/12/2007, with respect to the rejection(s) of claim(s) 1-6 under 35 USC § 102(e) as anticipated by US Patent 6707381 to Maloney have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US Patent 5379184 to Barraza et al.(hereinafter Barraza).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6707381 to Maloney in view of US Patent 5379184 to Barraza et al.

Regarding Claim 1, Maloney discloses the file cabinet(Fig. 1 item 11) having within a number of containers having file drawers(Fig. 5 item 67), a mechanical lock having position to unlock/lock(Fig. 1 item 30), biometric scanner(Fig. 1 item 17), a computer processor for storing and comparing from previously stored biometric data(Fig. 1 item 44); and thus allowing access to the file cabinet for a predetermined period of time(Col 14 Ln 44-51) when there is match see Col 6 Ln 30-47 & Col 6 Ln 55-64 & Col 13 Ln 43-66. But does not explicitly disclose the housing, the file drawer mounted within the housing, the drawer movable from first position and second position outside so as to

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allow access to contents of the drawer, a mechanical locking movable between locked position where the drawer is unopenable to unlocked position where the drawer is openable. However, Barraza discloses the housing(Fig. 6C item 11), file drawer movable from first position inside of housing(see Fig. 6E item 13) and second position extending outside housing see (Fig. 6E item 20), mechanical locking of drawer movable from locked position(Fig. 6A item 11D) that is unopenable to unlocked position where the file drawer is openable(Fig. 6E item 11D). It would be obvious to one having ordinary skill in the art at the time of the invention to include a housing containing drawers that is movable from lockable to unlockable position in the invention of Maloney in order to cabinet having many drawers that are lockable as taught in Col 11 Ln 44-49.

Regarding Claim 2, Maloney discloses the vertical lock movable from unlock and lock positions see Fig.1 item 30.

Claims 3-6, 8-12, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6707381 B1 to Maloney in view of US Patent 5379184 to Barraza et al. further in view of U.S. Patent 5701770 to Cook et al.(hereinafter Cook).

Regarding Claim 3, Maloney does not disclose the solenoid coupled to the lock. However, Cook discloses the solenoid coupled to the lock see Col 1 Ln 64-Col 2 Ln 6. It would be obvious to one having ordinary skill in the art at the time of the invention to include a solenoidal lock in the invention of Maloney in order to use commonly available electronic locking system.

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Regarding Claim 4, Maloney discloses the interval of time for access being user defined see Col 14 Ln 44-51.

Regarding Claim 5, Maloney does not disclose the horizontal locking bar for lock and unlocking the cabinet. However, Cook discloses the horizontal locking bar see Fig. 2 item 28. It would be obvious to one having ordinary skill in the art at the time of the invention to include the horizontal locking bar in the invention of Maloney in order to make the vertical surface dedicated for the door as taught in Fig. 1 item 4.

Regarding Claim 6, Maloney discloses the motor being used for unlock bar see Col 10 Ln 5-10.

Regarding Claim 8, Maloney does not disclose the mechanical locking means having locked and unlocked positions. However, Baraza discloses the mechanical locking means having locked and unlocked positions see Fig. 13A-13C. It would be obvious to one having ordinary skill in the art at the time of the invention to include the mechanical locking means having locked and unlocked positions in the invention of Maloney in order to a physical lock addition to biometric lock.

Regarding Claim 9, Maloney discloses the visual indicator of locked and unlocked positions see Fig. 1 item 30.

Regarding Claim 10, Maloney discloses the fingerprint, iris scanners being used see Col 6 Ln 42-47.

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Regarding Claim 11, Maloney discloses the locking after predetermined period of time see Col 14 Ln 48-51.

Regarding Claim 12 and 14, Maloney discloses the locking of drawers so that one drawer can only be opened and being placed on the conveyor and all container contents Col 14 Ln 13-28.

Regarding Claim 15, Maloney discloses the individualized compartments see Fig. 2a.

Claims 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6707381 B1 to Maloney in view of US Patent 5379184 to Barraza et al. further in view of U.S. Patent 4637667 to Reid et al.(hereinafter Reid).

Regarding Claim 7, Maloney nor Barraza explicitly disclose an lock bar that stays in unlocked position until the processor causes the cam to lower the lock bar. However, Reid discloses the bar being moved into the position from unlocked to locked position see Col 5 Ln 25-41. It would be obvious to one having ordinary skill in the art at the time of the invention to include the bar being moved into the position from unlocked to locked position in the invention of Maloney in order to prevent premature closing as taught in Co 5 Ln 29-41.

***Allowable Subject Matter***

Claim 13 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

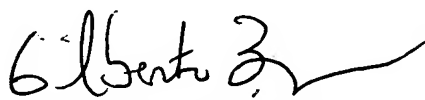
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkat Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Venkat Perungavoor  
Examiner  
Art Unit 2132

VP  
4/9/2007

  
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